

House File 601 - Introduced

HOUSE FILE _____
BY VAN ENGELENHOVEN and
BAUDLER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to excluding certain criminal offenses from the
2 jurisdiction of the juvenile court.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1832YH 83
5 jm/rj/5

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1 1 Section 1. Section 232.8, subsection 1, Code 2009, is
1 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. e. For felony violations by a child, aged
1 4 fourteen or older, not already excluded under paragraph "c",
1 5 which subject the child to sex offender registry requirements
1 6 under chapter 692A, the court shall hold a waiver hearing
1 7 under section 232.45. If, at the conclusion of the waiver
1 8 hearing, and after considering the best interests of the child
1 9 and the best interests of the community, the court does not
1 10 order the child to be prosecuted as a youthful offender as
1 11 provided in section 907.3A, the violation shall be excluded
1 12 from the jurisdiction of the juvenile court. If the violation
1 13 is excluded from the jurisdiction of the juvenile court, the
1 14 violation shall be prosecuted as otherwise provided by law as
1 15 violations are prosecuted under paragraph "c", unless the
1 16 court transfers jurisdiction of the child back to the juvenile
1 17 court upon motion and for good cause.

1 18 Sec. 2. Section 232.45, subsection 7, paragraph b, Code
1 19 2009, is amended to read as follows:

1 20 b. The court determines, or has previously determined in a
1 21 detention hearing under section 232.44, that there is probable
1 22 cause to believe that the child has committed a delinquent act
1 23 which would constitute a public offense under section 232.8,
1 24 subsection 1, paragraph "c" or "e", notwithstanding the
1 25 application of that paragraph to children aged sixteen or
1 26 older.

1 27 Sec. 3. Section 803.6, subsection 1, Code 2009, is amended
1 28 to read as follows:

1 29 1. The court, in the case of a juvenile who is alleged to
1 30 have committed a criminal offense listed in section 232.8,
1 31 subsection 1, paragraph "c" or "e", may direct a juvenile
1 32 court officer to provide a report regarding whether the child
1 33 should be transferred to juvenile court for adjudication and
1 34 disposition as a juvenile.

1 35 EXPLANATION

2 1 This bill relates to excluding certain criminal offenses
2 2 from the jurisdiction of the juvenile court.

2 3 Under the bill, for a felony violation by a child, aged 14
2 4 or older, not already excluded from the jurisdiction of
2 5 juvenile court under Code section 232.8(1)(c), which subjects
2 6 the child to sex offender registry requirements, the juvenile
2 7 court is required to hold a waiver hearing under Code section
2 8 232.45. If, at the conclusion of such a hearing, the court
2 9 does not order the child to be prosecuted as a youthful
2 10 offender pursuant to the provisions of Code section 907.3A,
2 11 the violation shall be excluded from the jurisdiction of the
2 12 juvenile court.

2 13 The bill provides that if the violation is excluded from
2 14 the jurisdiction of the juvenile court, the violation shall be
2 15 prosecuted as otherwise provided by law in the same manner as
2 16 violations are prosecuted under Code section 232.8(1)(c),
2 17 unless the court transfers jurisdiction of the child back to
2 18 the juvenile court upon motion and for good cause.

2 19 A youthful offender is a juvenile waived to the

2 20 jurisdiction of adult court pursuant to the provisions of Code
2 21 section 232.45(7) but is supervised in juvenile court pursuant
2 22 to the provisions of Code section 907.3A.
2 23 LSB 1832YH 83
2 24 jm/rj/5